

Message Text

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INFO AMEMBASSY SAN JOSE IMMEDIATE
AMEMBASSY SAN SALVADOR IMMEDIATE
AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY TEGUCIGALPA IMMEDIATE

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E.O. 11652: N/A

TAGS: PFOR, SHUM, EAID, MASS, CR, NU, ES, GT, HO

SUBJECT: STATEMENT BY CHARLES W. BRAY III, DEPUTY ASSISTANT
SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS BEFORE THE
SUBCOMMITTEE ON FOREIGN OPERATIONS HOUSE APPROPRIATIONS
COMMITTEE, APRIL 5, 1977.

REF: BOVA/THEBERGE TELCON OF 4/4/77

TEXT BEGINS AS FOLLOWS: MR. CHAIRMAN, MEMBERS OF
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THE COMMITTEE:

"I WELCOME THE OPPORTUNITY TO APPEAR BEFORE YOU TO DISCUSS
THE QUESTIONS OF HUMAN RIGHTS AND UNITED STATES ASSISTANCE
POLICY IN NICARAGUA. MY STATEMENT WILL BE BRIEF.

"FIRST, I WOULD LIKE TO ADDRESS OUR ASSESSMENT OF THE HUMAN
RIGHTS SITUATION IN NICARAGUA. THEN I WILL ADDRESS THE
QUESTION OF OUR SECURITY AND ECONOMIC ASSISTANCE POLICIES.

"AS YOU ARE AWARE, MR. CHAIRMAN, THE STATE DEPARTMENT SUBMITTED A REPORT ON HUMAN RIGHTS IN NICARAGUA AS PART OF OUR FY 1978 SECURITY ASSISTANCE PRESENTATION. THAT

REPORT, PREPARED IN DECEMBER, REFLECTED OUR JUDGMENT THAT HUMAN RIGHTS PROBLEMS EXIST AND HAVE EXISTED FOR MANY YEARS IN NICARAGUA.

"OUR MOST RECENT ASSESSMENT OF THE SITUATION IS BASED ON SOUNDINGS TAKEN TWO WEEKS AGO BY OUR EMBASSY. ACTING ON INSTRUCTIONS FROM THE DEPARTMENT, THE EMBASSY SOUGHT UP-TO-DATE INFORMATION FROM CHURCH AND SECULAR LEADERS IN NICARAGUA.

"WHILE IT IS IMPOSSIBLE TO SUBSTANTIATE THE MANY INDIVIDUAL CHARGES MADE -- AND WHILE SOME OF THE CHARGES APPEAR TO HAVE BEEN EXAGGERATED OR DISTORTED -- IT IS OUR BELIEF, BASED ON AVAILABLE INFORMATION AND THE OPINIONS EXPRESSED BY REASONABLE AND UNBIASED SOURCES, THAT THE NICARAGUAN NATIONAL GUARD HAS USED BRUTAL AND, AT TIMES, HARSHLY REPRESSIVE TACTICS IN MAINTAINING INTERNAL ORDER. I DO NOT MEAN TO IMPLY THAT THIS IS UNIVERSALLY THE CASE IN ITS OPERATIONS; BUT THE CHARGES ARE SUFFICIENTLY FREQUENT TO BE SERIOUSLY DISQUIETING.

"TACTICS ATTRIBUTED TO THE NATIONAL GUARD HAVE INCLUDED LIMITED OFFICIAL USE
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PSYCHOLOGICAL AND PHYSICAL ABUSE, AND OCCASIONAL SUMMARY EXECUTIONS. THE ABUSES APPEAR TO BE OF TWO KINDS: (1) THE CULTURALLY-ROOTED PROBLEMS OF GOVERNMENT ACTIONS -- WHICH CAN BE AT LEAST INSENSITIVE AND HAVE ON OCCASION BEEN REPRESSIVE -- INVOLVING THE RURAL POOR AND DIS-ADVANTAGED; (2) THOSE ABUSES WHICH ARE SPECIFICALLY RELATED TO COUNTER-INSURGENCY EFFORTS AGAINST THE SANDINISTA NATIONAL LIBERATION FRONT AND ITS NETWORK OF SYMPATHIZERS; AS YOU MAY RECALL, THE FSLN STAGED A DRAMATIC TERRORIST RAID IN MANAGUA IN 1974 AND HAS MAINTAINED A LOW-LEVEL RURAL INSURGENCY WITH, APPARENTLY, SOME SUPPORT FROM CUBA. COUNTER-INSURGENCY EFFORTS HAVE BEEN CONCENTRATED OVER THE PAST 18 MONTHS IN THE NORTH-CENTRAL AND EASTERN AREAS OF THE COUNTRY, MOST OFTEN IN THE PROVINCES OF ZELAYA, NUEVA SEGOVIA AND MATAGALPA. IN FAIRNESS, I SHOULD ALSO NOTE THAT IT IS NOT CLEAR HOW MANY OF THE ABUSES CONNECTED WITH THE COUNTER-INSURGENCY OPERATIONS REFLECT GOVERNMENT POLICY OR INADEQUATE COMMAND AND CONTROL PROCEDURES. THERE ARE SCATTERED INDICATIONS, WHICH WE CANNOT DEFINITELY CONFIRM, THAT PRESIDENT SOMOZA MAY BE ATTEMPTING TO SET HIGHER STANDARDS OF CONDUCT IN NATIONAL GUARD FIELD OPERATIONS. WE HOPE THIS IS THE CASE, BUT WILL REMAIN ALERT TO THE POSSIBILITY THAT IT IS NOT.

"IN THIS CONNECTION, AND WITH THE IMPORTANT EXCEPTION OF THE REPORTED KILLINGS IN THE AREAS OF KASKITA AND VARILLAL

IN LATE DECEMBER AND EARLY JANUARY, THERE HAS BEEN A MARKED DECLINE IN REPORTS OF HUMAN RIGHTS ABUSES ATTRIBUTED TO THE NATIONAL GUARD SINCE MID-1976.

"THIS MAY BE A RESULT OF EARLIER SUCCESSFUL COUNTER-INSURGENCY OPERATIONS BY THE NATIONAL GUARD; IT MAY REPRESENT A GROWING SENSITIVITY ON THE PART OF THE GUARD; OR IT MAY BE A COMBINATION OF THESE TWO FACTORS.

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"LEST THERE BE SOME CONFUSION, IT SHOULD BE NOTED THAT WHILE THE PASTORAL LETTER WAS ISSUED BY THE NICARAGUAN BISHOPS IN EARLY FEBRUARY, IT REFERS TO THE HUMAN RIGHTS SITUATION OVER THE ENTIRE PAST EIGHTEEN MONTHS OR SO. THE GREATEST INCIDENCE OF REPORTED CASES OF VIOLATIONS OCCURRED DURING THE PERIOD FROM NOVEMBER OF 1975 TO MAY OF 1976, THE PERIOD WHICH WAS ALSO ADDRESSED IN THE CAPUCHIN FATHERS' LETTER OF JUNE 13, 1976 TO NICARAGUAN PRESIDENT SOMOZA. THAT LETTER REFERS TO REPORTS OF CLOSE TO 100 DEATHS OR DISAPPEARANCES. THERE HAVE BEEN EVEN HIGHER ESTIMATES, AS YOU MAY BE AWARE FROM THE TESTIMONY GIVEN BEFORE CONGRESSMAN FRASER'S SUBCOMMITTEE IN JUNE, 1976. WE DO NOT HAVE ADEQUATE INFORMATION TO JUDGE THE ACCURACY OF THESE FIGURES IN DETAIL, BUT IT IS CLEAR TO US THAT THERE HAVE BEEN ABUSES ATTRIBUTABLE TO THE NATIONAL GUARD.

"WITH SPECIFIC REGARD TO THE ATROCITIES SAID TO HAVE OCCURRED AT KASKITA AND VARILLAL, WHICH WERE THE TOPICS OF RECENT ARTICLES IN "THE NEW YORK TIMES" AND TIME MAGAZINE, THE FACTS ARE NOT ALTOGETHER CLEAR AS YET. DURING THE EMBASSY'S DISCUSSIONS WITH CAPUCHIN PRIESTS TWO WEEKS AGO, THE PRIESTS APPEARED INCLINED TO REVISE DOWNWARD THEIR ESTIMATES OF THE NUMBER OF DEATHS IN THESE TWO CASES. IN ANY EVENT, THESE REPORTS ARE DISTURBING AND WE WILL CONTINUE TO ATTEMPT TO CLARIFY WHAT ACTUALLY OCCURRED.

"ANOTHER FOCUS OF CONCERN IN THE HUMAN RIGHTS AREA HAS BEEN THE TREATMENT AFFORDED INDIVIDUALS DETAINED FOR ENGAGING IN, OR SUPPORTING, SANDINISTA NATIONAL LIBERATION FRONT ACTIVITIES. SOME PERSONS DETAINED AS SUSPECTED FSLN ACTIVISTS HAVE STATED THAT THEY WERE ABUSED OR MISTREATED. THERE ARE REPORTS OF TORTURE IN SOME CASES, WHILE OTHERS HAVE SAID THEY WERE NOT TORTURED.

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"AS YOU ARE AWARE, THE NICARAGUAN EXTRAORDINARY COUNCIL OF WAR HANDED DOWN GUILTY SENTENCES ON 110 SUCH PRISONERS ON FEBRUARY 25, 1977, AFTER MORE THAN TWO YEARS OF MILITARY COURT PROCEEDINGS. SENTENCES RANGED FROM THE MAXIMUM

LEGAL TERM OF 30 YEARS OF IMPRISONMENT TO 18 MONTHS OF IMPRISONMENT. IN LATE MARCH, THE MILITARY BOARD OF APPEAL REVIEWED MOST OF THESE SENTENCES AND REDUCED SEVENTEEN OF THEM, MAKING TEN PERSONS ELIGIBLE FOR RELEASE ON THE BASIS OF TIME ALREADY SERVED. LAWYERS FOR OTHER PRISONERS HAVE ANNOUNCED THAT THEY WILL FURTHER APPEAL THEIR SENTENCES. ANOTHER GROUP OF SOME FIVE OR SIX IS STILL UNDER DETENTION AND DATES FOR TRIAL HAVE NOT BEEN ANNOUNCED. WE ARE NOT AWARE OF ANY OTHER SUCH DETENTIONS.

"THE STATE OF SIEGE IMPOSED IN DECEMBER 1974 IS STILL IN EFFECT AND PRESS CENSORSHIP CONTINUES.

"AT THE SAME TIME LEGAL REMEDIES CONTINUE TO BE GENERALLY AVAILABLE IN REGULAR CRIMINAL AND CIVIL CASES, WHERE OPEN COURT PROCEEDINGS ARE THE RULE. POLITICAL EXILES HAVE BEEN PERMITTED TO RETURN TO LIVE NORMAL LIVES. FREEDOM OF ASSOCIATION HAS BEEN GENERALLY RESPECTED, WITH THE IMPORTANT EXCEPTION NOTED IN THE PASTORAL LETTER OF REPORTED INTERFERENCE WITH RELIGIOUS GATHERINGS IN RURAL AREAS.

"ASIDE FROM THE EVENTS IN KASKITA AND VARILLAL, WE HAVE NOT RECENTLY RECEIVED REPORTS OF OTHER MAJOR HUMAN RIGHTS ABUSES. AS I INDICATED EARLIER, THE MILITARY TRIALS APPEAR TO BE FOLLOWING SET PROCEDURES AND LEGAL COUNSEL IS AVAILABLE TO DEFENDANTS. A FEW DETAINEES, SUCH AS LIANA BENAVIDES OF COSTA RICA, COMPLETED THEIR FINAL SENTENCES WHILE UNDER CUSTODY AND HAVE BEEN RELEASED.

"THE PICTURE THAT I HAVE PAINTED IS MIXED, BUT IN SOME RESPECTS A STARK ONE. THE NICARAGUAN GOVERNMENT'S RECORD
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IN PROTECTING HUMAN RIGHTS, PARTICULARLY IN THOSE AREAS WHERE THE NICARAGUAN GOVERNMENT HAS FACED A GUERRILLA PROBLEM, HAS NOT BEEN GOOD. AT THE SAME TIME, UNITED STATES' REPRESENTATIONS ON BEHALF OF HUMAN RIGHTS IN NICARAGUA HAVE BEEN CLEAR, FORCEFUL AND MADE -- 11 TIMES IN THE PAST 15 MONTHS -- AT THE VERY HIGHEST LEVELS OF THE NICARAGUAN GOVERNMENT.

"MR. CHAIRMAN, I WOULD NOW LIKE TO ADDRESS THE IMPLICATIONS OF THIS SITUATION FOR OUR ECONOMIC AND SECURITY ASSISTANCE PROGRAMS IN NICARAGUA. I WILL FIRST ADDRESS THE QUESTION OF OUR ECONOMIC ASSISTANCE.

"THE FY 1977 A.I.D. PROGRAM PROJECTS 18 MILLION DOLLARS IN LOANS AND 2 MILLION DOLLARS IN GRANTS. IN FY 1978 A.I.D. PROPOSES A PROGRAM OF 12.5 MILLION DOLLARS IN LOANS AND 2.6 MILLION DOLLARS IN GRANTS. THIS DEVELOPMENT ASSISTANCE

IS DESIGNED, IN GENERAL, TO IMPROVE THE QUALITY OF LIFE IN TWO OF THE POOREST ZONES IN NICARAGUA. ITS EMPHASIS IS ON PROJECTS IN AGRICULTURE, HEALTH AND FAMILY PLANNING, NUTRITION AND EDUCATION. IN ADDITION, A.I.D. IS IMPLEMENTING LOANS MADE IN PRIOR YEARS TO ASSIST IN THE RECONSTRUCTION OF MANAGUA. WE ARE AWARE OF ALLEGATIONS THAT SOME OF THIS ASSISTANCE, IN PARTICULAR, DID NOT GO TO ITS INTENDED PURPOSES. REPEATED A.I.D. AUDITS, REVIEWS BY CONGRESSIONAL STAFFS AND A RECENT ASSESSMENT BY THE GAO OF RECONSTRUCTION ASSISTANCE, WHICH WILL BE PUBLISHED SHORTLY, HAVE ALL FAILED TO SURFACE EVIDENCE CORROBORATING A MISUSE OF A.I.D. FUNDS. WE WILL BE GLAD TO ADDRESS ANY QUESTIONS YOU MAY HAVE IN THIS REGARD.

"MR. CHAIRMAN, OUR CURRENT PROGRAM MEETS THE CRITERIA SET FORTH BY THE CONGRESS; IT IS FOCUSED ON SELECTED DEVELOPMENT BOTTLENECKS AND IS DESIGNED DIRECTLY TO BENEFIT THE POOR. IT SEEKS TO ENCOURAGE THE GOVERNMENT TO ADOPT LIMITED OFFICIAL USE
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POLICIES AND UNDERTAKE PROGRAMS WHICH WILL BENEFIT THE DISADVANTAGED AND MOVE NICARAGUAN SOCIETY TOWARD GREATER ECONOMIC AND SOCIAL EQUITY. THE ADMINISTRATION HOPES THE CONGRESS WILL FUND THE PROGRAMS FOR FY 1978. MR. DONOR LION, ACTING ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, IS WITH ME TO ANSWER YOUR QUESTIONS WITH RESPECT TO OUR ECONOMIC ASSISTANCE.

"WITH REGARD TO OUR SECURITY ASSISTANCE PROGRAM, THE DEPARTMENT'S POSITION IS THAT IN THE LIGHT OF OUR ASSESSMENT OF THE CURRENT HUMAN RIGHTS SITUATION WE WILL HOLD OFF SIGNING AN FY 77 AGREEMENT UNTIL IT BECOMES CLEARER THAT THERE HAS BEEN IMPROVEMENT IN THE SITUATION. THERE HAVE BEEN VERY MODEST -- BUT ONLY TENTATIVE - PRELIMINARY INDICATIONS THAT THE SITUATION MAY HAVE IMPROVED SOMEWHAT IN THE PAST TWO MONTHS. WE HAVE HAD INDICATIONS, FOR EXAMPLE, THAT INSTRUCTIONS HAVE BEEN GIVEN RECENTLY TO THE NATIONAL GUARD TO MODERATE ITS CONDUCT. WHILE WE DO NOT YET REGARD THIS AS A DEFINITIVE STEP FORWARD, WE HOPE THAT IT WILL PROVE TO BE SO. THE INTERNATIONAL COMMUNITY AND FRIENDS OF NICARAGUA SHOULD WELCOME AND GIVE POSITIVE

ENCOURAGEMENT TO ANY ACTIONS WHICH PRESIDENT SOMOZA WOULD FIND IT POSSIBLE TO TAKE IN THIS REGARD.

"WITH RESPECT TO THE FY 1978 SECURITY ASSISTANCE PROGRAM, THE PRACTICAL ISSUE IS HOW WE CAN BEST EFFECT AN IMPROVEMENT IN THE HUMAN RIGHTS SITUATION.

ONE ALTERNATIVE IS FOR THE CONGRESS TO REFUSE TO APPRO-

PRIATE FUNDS FOR THE NEXT FISCAL YEAR. THIS WOULD BE A CLEAR, IMMEDIATE AND DRASTIC INDICATION OF YOUR CONCERN.

"ANOTHER ALTERNATIVE ASSUMES THAT OUR LIMITED INFLUENCE IN THE AREA OF HUMAN RIGHTS IS ENHANCED BY MAINTAINING THE ABILITY TO OFFER ASSISTANCE IN FY 1978 - ASSUMING LIMITED OFFICIAL USE
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THE HUMAN RIGHTS SITUATION IMPROVES. WE ARE, AFTER ALL, TALKING ABOUT A SITUATION A YEAR HENCE, WHICH WE CANNOT PREDICT. ON THE ASSUMPTION THAT THE CONGRESS APPROPRIATES FY 1978 FUNDS, I GIVE YOU THE FORMAL ASSURANCE OF THIS ADMINISTRATION THAT WE WILL NOT SIGN AN FY 1978 SECURITY ASSISTANCE AGREEMENT UNLESS THERE IS AN IMPROVEMENT; NOR WOULD WE SIGN AN AGREEMENT IN FY 1978 WITHOUT FURTHER CONSULTATIONS WITH THIS COMMITTEE DESIGNED TO ASSURE THAT YOU AND WE AGREE THAT THERE HAS BEEN IMPROVEMENT IN THE HUMAN RIGHTS SITUATION.

"REASONABLE MEN CAN DISAGREE AS TO WHICH OF THESE ALTERNATIVES IS PREFERABLE. THERE IS MUCH TO BE SAID FOR THE KIND OF DRAMATIC STATEMENT OF CONCERN WHICH YOUR REFUSAL TO APPROPRIATE FUNDS WOULD REPRESENT. IT MAY NOT, HOWEVER, ACHIEVE WHAT WE SEEK - AN IMPROVEMENT IN THE HUMAN RIGHTS SITUATION. THERE IS ALSO MUCH TO BE SAID FOR HOLDING OUT A POSITIVE INDUCEMENT FOR CONSTRUCTIVE CHANGE IN THE NICARAGUAN HUMAN RIGHTS SITUATION; IF THERE IS AN IMPROVEMENT, WE SHOULD RESPOND POSITIVELY TO IT.

"THIS ADMINISTRATION PREFERS THE SECOND ALTERNATIVE, BUT ON THE CLEAR UNDERSTANDING THAT (1) WE WILL NOT COMMIT FY 1978 FUNDS UNLESS THERE IS AN IMPROVEMENT AND THAT (2) WE WILL CONSULT WITH THIS COMMITTEE TO ASSURE THAT YOU AGREE THAT THERE HAS BEEN AN IMPROVEMENT.

"THE IMPORTANT THING IS THAT ANY ACTION BY THE CONGRESS AND THE ADMINISTRATION SHOULD BE TAKEN WITH ONE CONSIDERATION UPPERMOST: HOW MOST EFFECTIVELY TO IMPROVE THE HUMAN RIGHTS OF NICARAGUANS. END TEXT

2. FOR MANAGUA: DEPARTMENT ATTEMPTED TO MAKE ABOVE STATEMENT BALANCED DRAWING ON EMBASSY'S ADVICE IN PREVIOUS CABLES.

THERE WAS NO WAY IN WHICH WE COULD AVOID BRING CRITICAL
HOWEVER, AND HOPE TO MAINTAIN CREDIBILITY WITH THE
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CONGRESS. YOU WILL NOTE THAT WE ARE ASKING FOR FLEXIBILITY
IN THE CONTINUANCE OF OUR SECURITY ASSISTANCE PROGRAM.
AMBASSADOR SHOULD SHOW STATEMENT TO PRESIDENT TOMORROW
MORNING AND TELL HIM THAT, WHILE THIS IS A CANDID STATE-
MENT, WE WOULD EXPECT THAT IT WOULD NOT INTERFERE WITH OUR
ABILITY TO CONDUCT AN ONGOING CONSTRUCTIVE DIALOGUE ON THE
SENSITIVE ISSUE OF HUMAN RIGHTS.

3. OTHER CENTRAL AMERICAN POSTS: THIS STATEMENT IS
PROVIDED FOR YOUR INFORMATION ONLY AND SHOULD BE RELEASED
ONLY ON AN IF ASKED BASIS AND ONLY AFTER 2:30 P.M.
WASHINGTON TIME ON APRIL 5.
VANCE

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